

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being added or cancelled.

Claims 8, 21, 26, 29 and 32 are currently being amended.

This amendment and reply amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 8-10, 13-24 and 26-34 are pending in this application.

Claim Rejections – Double Patenting:

In the Office Action, claims 10, 23, 26, 29 and 32 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6 and 8 of U.S. Patent Application No. 11/030,061. In reply, the Section 804 of the M.P.E.P. states that “If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.” As this application is the earlier-filed application, then it is respectfully requested that, assuming that all of the other rejections raised in this application have been overcome (which is believed to be the case due to the claim amendments submitted with this amendment and reply), the double patenting rejection be withdrawn, in accordance with the M.P.E.P.

Claim Rejections – Indefiniteness:

In the Office Action, claims 8-10, 13-24 and 26-34 were rejected under 35 U.S.C. § 112, 2nd paragraph, for the reasons set forth on pages 5 and 6 of the Office Action. Based on

the amendments made to the presently pending claims, the indefiniteness rejection of claims 8-10, 13-24 and 26-34 is believed to have been overcome.

Claim Rejections – Prior Art:

In the Office Action, claims 8 and 21 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 006396032 to Ikegami; claims 8-24, 26, 27 and 29-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication 006484028 to Okada et al. in view of U.S. Patent Publication 005706428 to Boer; and claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada et al. in view of Boer and further in view of U.S. Patent Publication 20050223115 to Hanson. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Section 102(e) Rejection:

Presently pending independent claims 8 and 21 explicitly recite “a starting point in the prescribed procedure”. Ikegami does not disclose, teach or suggest this feature. Also, presently pending independent claim 8 explicitly recites “the another terminal having no transmission function with respect to the first network”. Ikegami does not disclose, teach or suggest this feature. Still further, presently pending independent claim 8 explicitly recites “the terminal device having no transmission function with respect to the first network”. Ikegami does not disclose, teach or suggest this feature as well.

Therefore, presently pending independent claims 8 and 21 are not anticipated by Ikegami.

Section 103(a) Rejections:

(1) Claims 8 and 21:

In presently pending independent claims 8 and 21, three different elements: a “terminal device”, an “another terminal”, and a “source terminal” are recited, in which the “source terminal” is directly connected to the “first network” and transmits packets through the “first network”. Please note that the “first network” is identical to the network which the “another terminal” uses for receiving packets.

However, in Okada, the “terminal 5” referred to in the Office Action as the “source terminal” of the present invention is not directly connected to the “satellite network” referred to in the Office Action as the “first network” of the present invention, but rather is directly connected to the “Internet” instead (see Figure 3 and column 6, lines 45-47 of Okada). Thus, Okada discloses that the “terminal 5” is directly connected to the “center 3” via the Internet 4, but does not teach or suggest that the “terminal 5” is directly connected to the “satellite network 6, 7”. That is, the “terminal 5” of Okada does not have a function to directly transmit and receive data through the “satellite network 6, 7” with direct connection to the “satellite network 6, 7”. Accordingly, the “terminal 5” of Okada cannot correspond to the “source terminal” (of claims 8 and 21) being directly connected to the “first network” and having a function to directly transmit packets through the “first network” with direct connection to the “first network”. Therefore, Okada does not disclose, teach or suggest every feature recited in presently pending independent claims 8 and 21, and whereby none of the other cited art of record rectifies these deficiencies of Okada.

(2) Claims 26, 29 and 32:

The Office Action asserts that the “user center 8” of Okada can be interpreted as both the “terminal” and the “second terminal” of claims 26, 29 and 32 (both the “first terminal” and the “second terminal” for claim 32, applied hereinafter), because the “user center 3” has the same functions as both the “terminal” and the “second terminal”.

However, presently pending independent claims 26, 29 and 32 explicitly recite that “the second terminal is connected to the terminal device through the third network” (“the second terminal is connected to the first terminal through the third network” for presently pending independent claim 32).

In that regard, Okada does not disclose, teach or suggest that units allegedly corresponding to the “terminal” and the “second terminal” of presently pending independent claims 26, 29 and 32 are connected to each other by the “Internet 4” inside of the “user center 3” of Okada. Rather, Okada teaches away from connecting the units inside of the “user center 3” by the “Internet 4 (i.e., Internet)”, because the “user center 3” is a single device. Clearly, it is not obvious (or useful, for that manner) for a person skilled in the art to connect units inside a single device to each other by way the Internet.

Therefore, the “user center 3” of Okada cannot be interpreted as both the “terminal” and the “second terminal” as recited in presently pending independent claims 26, 29 and 32, and thus those claims patentably distinguish over Okada, and whereby none of the other cited art of record rectifies these deficiencies of Okada.

The presently pending dependent claims are also allowable because of their dependency on the corresponding independent claim 8, 21, 26 or 32 (see arguments above), as well as for the specific features recited in those dependent claims.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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